

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

IN SOOK STERLING

Debtor.

Chapter 7

Case No. 19-10132-lgb

---

STRATEGIC FUNDING SOURCE, INC.

Plaintiff,

v.

IN SOOK STERLING, MTK 38 INC., JAY  
ENTERTAINMENT CORP., 9 EAST 38<sup>TH</sup>  
STREET REALTY LLC and JOHN DOE

Defendants.

---

Adversary Pro. No. 19-01111-lgb

**FIFTH AMENDED AGREED SCHEDULING ORDER**

---

The Court, having considered the contents and merits of this Fifth Amended Agreed Scheduling Order and the parties' agreement thereto, as evidenced by their signatures below, is of the opinion that this Order should be GRANTED.

IT IS THEREFORE ORDERED that each of the dates set forth below in this Fourth Amended Agreed Scheduling Order shall serve as the deadlines for this case:

1. **09/23/19**      **ANSWER.** Jay Entertainment Corp. shall file its answer.
2. **10/18/19**      **INITIAL DISCLOSURES.** All parties shall exchange initial disclosures pursuant to Fed. R. Bankr. P. 7026(a).
3. **10/15/20**      **ANSWER OR MOVE.** 9 East 38<sup>th</sup> Street Realty LLC shall file an answer or otherwise move with regard to the Complaint by this date, or such later date as agreed to by the Plaintiff.
4. **05/10/21**      **ANSWER OR MOVE.** 9 East 38<sup>th</sup> Street Realty LLC shall file an answer or otherwise move with regard to the cross-claims made by Jay Entertainment Corp.
5. **07/1/21**      **FACT DISCOVERY.** Discovery will close on this date. The parties must serve their written discovery requests by a date which provides for the responses, answers,

and objections to such requests to be due on or before this date, pursuant to the Federal Rules of Civil Procedure. Any and all depositions must be taken by this date, unless the party tendering the deponent agrees to produce the deponent after this date and/or the parties agree otherwise. The parties must serve any and all amended and/or supplemental responses and/or answers to written discovery requests to the requesting party or parties by this date.

The parties shall confer prior to scheduling any deposition. The depositions will be scheduled after the parties complete their mediation. If there are any disputes arising in connection with the scheduling of a deposition, the parties are to follow this Court's chambers rules to schedule a conference to address the dispute.

6. **07/28/21 EXPERT DESIGNATIONS AND REPORTS (AFFIRMATIVE RELIEF).** The parties must designate their testifying experts, who will testify in support of their affirmative relief claims, by this date. Such designation must be served to opposing parties by this date, and it must include the information required in Fed. R. Bankr. P. 26(a)(2)(B). Experts on attorneys' fees and/or costs are excluded from report requirements. All other affirmative relief testifying experts must produce a report by this date.
7. **09/30/21 EXPERT DESIGNATIONS AND REPORTS (DEFENSIVE MATTERS).** The parties must designate their testifying experts, who will testify as to defensive matters, by this date. Such designation must be served to opposing parties by this date, and it must include the information required in Fed. R. Bankr. P. 26(a)(2)(B). Experts on attorneys' fees and/or costs are excluded from report requirements. All other defensive matters testifying experts must produce a report by this date.
8. **10/28/21 EXPERT DEPOSITIONS.** The parties must complete all expert depositions by this date.
9. **12/3/21 DISPOSITIVE MOTIONS & EXPERT CHALLENGES.** The parties must file and serve any and all dispositive motions, including but not limited to motions for summary judgment, and challenges to strike another party's experts by this date.
10. **1/7/22 RESPONSES TO DISPOSITIVE MOTIONS & EXPERT CHALLENGES.** The parties must file and serve any and all responses to any dispositive motions and expert challenges by this date.
11. **TBD PRE-TRIAL FILINGS.** The parties shall file a witness list and exhibit list with the Court and serve copies of same to all other parties by this date.
12. **TBD PRE-TRIAL CONFERENCE.** The conference must be attended by counsel who is familiar with the case and is authorized to state his or her party's position, make stipulations, and enter into agreements. At the time of the pretrial conference, the parties shall submit any Joint Pre-Trial Orders to the Court and all parties must be prepared to argue any disputed matters set forth in the dispositive motions, expert challenges.
13. **TBD TRIAL.** Trial of this adversary proceeding will commence on \_\_\_\_\_ at \_\_\_\_\_.m.

IT IS FURTHER ORDERED that changes to this Fifth Amended Agreed Scheduling Order may only be made by further order of this Court. A motion to extend any deadline and/or alter any hearing date will only be granted for good cause shown.

Dated: **April 22, 2021**  
New York, New York

**/s/ Lisa G. Beckerman**  
THE HONORABLE LISA G. BECKERMAN  
UNITED STATES BANKRUPTCY JUDGE

**AGREED AS TO FORM:**

/s/ Charles M. Rubio

Charles M. Rubio  
Parkins Lee & Rubio LLP  
50 Main Street, Suite 1000  
White Plains, NY 10606  
Phone: (212) 763-3331  
crubio@parkinslee.com

*Counsel to Strategic Funding Source Inc.  
d/b/a Kapitus, Inc.*

/s/ Michael S. Horn

Michael S. Horn  
Archer & Greiner, P.C.  
21 Main Street, Suite 353  
Hackensack, NJ 07604  
Phone: 201-342-6000  
Facsimile: 201-342-6611  
mhorn@archerlaw.com

*Counsel to Jay Entertainment Corp.*

/s/ Michael S. Kopleman

Michael S. Kopleman  
Kopelman & Kopelman LLP  
90 Main Street, Suite 205  
Hackensack, NJ 07601  
Phone: 201-489-5500  
Facsimile: 201-489-7755  
kopelaw@kopelmannj.com

*Counsel to Sook Sterling*

/s/ Massimo Giugliano

Massimo Giugliano  
Davis+Gilbert LLP  
1675 Broadway  
New York, NY 10019  
Phone: 212-468-4811  
mgiugliano@dglaw.com

*Counsel to 9 East 38<sup>th</sup> Street Realty LLC*